

ATXI has been unsuccessful in obtaining an easement from Mary Morley, Trustee for the Mary Elizabeth Morley Living Trust dated January 29, 2008 (the Trust). The Trust owns three parcels at issue located along the Kansas to Sugar Creek segment of the Project in Edgar County, Illinois. The parcels are internally designated as ILRP\_STPL\_ED\_099\_ROW, ILRP\_STPL\_ED\_107\_ROW and ILRP\_STPL\_ED\_138\_ROW. As summarized on ATXI Exhibit 2.1, ATXI has contacted, or attempted to contact, Trust representatives or their counsel on at least 82 occasions, including 50 emails, 5 letters, 8 in-person meetings, 11 phone calls, and 6 voicemails.

Since September 28, 2015, Ms. Morley has been represented by Mr. Craig Smith in easement negotiations. Mr. Smith previously represented Ms. Morley during the initial certificate case for the Project (Docket 12-0598), the Edgar County Group appeal of the Commission's decision in Docket 12-0598, and for survey negotiations.

ATXI had a difficult time engaging in negotiations with Ms. Morley. ATXI began attempts to contact Ms. Morley in October 2013. After five unsuccessful attempts to reach Ms. Morley by phone, ATXI mailed her its initial offer packet on October 23, 2013. ATXI attempted several times over the next few months to contact Ms. Morley to discuss its offer and any issues she may have. On February 28, 2014, Ms. Morley left a message for the agent in response to his calls and said that until the appeal process had concluded, she did not want any ATXI representatives on her property. On August 4, 2014, Ms. Morley informed the agent via a voice message that she has "No Trespassing" signs posted on her property and instructing ATXI to cease all future attempts to come onto her property for threat of legal action.

Please see Section VI of my direct testimony (ATXI Exhibit 2.0) for a discussion of the negotiations with landowners represented by Mr. Smith. As discussed there, negotiations have

not progressed since Mr. Smith was hired, and despite his commitment to provide ATXI with documentation supportive of additional compensation and easement language changes, Mr. Smith has yet to provide any documentation, counteroffer or easement language edits.

In sum, ATXI is uncertain what issues Ms. Morley may have with the easement agreement or with ATXI's compensation offer. Negotiations are at a standstill and a voluntary agreement in a time frame supportive of this line segment's in-service date is unlikely. ATXI therefore requests eminent domain authority over these parcels.

**Agent Checklist with Landowner**

1. Landowner contacted to set up initial appointment no sooner than 14 days after the 14 day letter was sent ☒
2. Initial appointment set for 10/23/2013 ☒
3. Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting ☒
4. Prepare and review Acquisition documents and maps ☒
5. Provide landowner with business card and show Ameren ID badge ATTNY ☒
6. Ask the landowner they received the 14 day letter: ☐
  - a. Ask if the landowner read 14 days letter
  - b. Does landowner have any questions regarding letter:

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7. Provide/explain the purpose of the project -ATTNY ☒
8. Discuss routing and how it affects landowner: -ATTNY ☒
  - a. Provide Fact Sheet about the project
  - b. Provide landowner copies of:
    - i. Small scale map of the project
    - ii. Sketch and description of type of facilities/structures
    - iii. Approximate location of facilities
    - iv. Option for Easement including exhibit showing length and width of the easement area
    - v. Memorandum of Option Exhibit B
9. Make compensation offer, provide calculation sheet and explain basis of offer ATTNY ☒
10. Discuss subordination of mortgage, if applicable ☐
11. Complete Construction Questionnaire, including name of tenant, if applicable ☐
12. Provide EMF brochure, if requested -ATTNY ☒
13. Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as appropriate; complete tenant consent form if applicable ☒
14. Agent Name (Print and Sign) CKibel ☒

EXHIBIT "A"

**TRACT 1**

A 14.982 ACRE TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 NORTH, RANGE 12 WEST AND THE SOUTH 1/2 OF SECTION 35, TOWNSHIP 13 NORTH, RANGE 12 WEST OF THE 2ND PRINCIPAL MERIDIAN, EDGAR COUNTY, ILLINOIS AND BEING PART OF THOSE TRACTS OF LAND DESCRIBED AS TRACTS XII, XIII AND XIV IN DEED TO MARY ELIZABETH MORLEY, AS TRUSTEE UNDER THE MARY ELIZABETH MORLEY LIVING TRUST, RECORDED IN DOCUMENT NO. 201100001000 OF THE DEED RECORDS OF EDGAR COUNTY, ILLINOIS (D.R.E.C.I.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT IN THE COMMON LINE OF SAID MORLEY TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JACK DWAIN HOFFMAN AND JILL DENISE HOFFMAN, HUSBAND AND WIFE, RECORDED IN DOCUMENT NO. 02-0002682, D.R.E.C.I., FROM WHICH A T-POST FOUND AT THE NORTHWEST CORNER SAID SOUTH 1/2 BEARS NORTH 57 DEGREES 26 MINUTES 33 SECONDS WEST, A DISTANCE OF 2,552.48 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1044669.42, E:1159535.21;

**THENCE** NORTHERLY, ALONG SAID COMMON LINE, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

NORTH 12 DEGREES 49 MINUTES 24 SECONDS WEST, A DISTANCE OF 56.35 FEET TO A POINT FOR CORNER;

NORTH 11 DEGREES 20 MINUTES 02 SECONDS WEST, A DISTANCE OF 45.26 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 24 MINUTES 39 SECONDS, A RADIUS OF 842.64 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 08 DEGREES 23 MINUTES 30 SECONDS WEST, 50.15 FEET;

NORTHERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 50.16 FEET TO A POINT FOR CORNER;

**THENCE** NORTH 87 DEGREES 37 MINUTES 56 SECONDS EAST, LEAVING SAID COMMON LINE, A DISTANCE OF 651.80 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 02 DEGREES 12 MINUTES 59 SECONDS EAST, A DISTANCE OF 1,359.47 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID NORTHEAST 1/4;

**THENCE** NORTH 88 DEGREES 07 MINUTES 28 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1,673.05 FEET TO A POINT FOR CORNER;

**THENCE** NORTH 88 DEGREES 39 MINUTES 41 SECONDS EAST, LEAVING SAID NORTH LINE, A DISTANCE OF 677.67 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID NORTHEAST 1/4;

**THENCE** SOUTH 01 DEGREES 50 MINUTES 20 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 150.01 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8-INCH IRON ROD WITH A RED CAP STAMPED "RICHARD KNIGHT 2845 ILS" FOUND AT THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 BEARS SOUTH 01 DEGREES 50 MINUTES 20 SECONDS EAST, A DISTANCE OF 2,478.73 FEET;

**THENCE** SOUTH 88 DEGREES 39 MINUTES 41 SECONDS WEST, LEAVING SAID EAST LINE, A DISTANCE OF 678.28 FEET TO A POINT FOR CORNER;

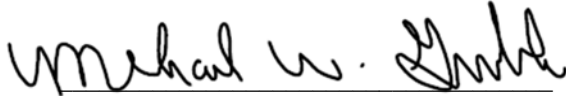
**THENCE** SOUTH 88 DEGREES 07 MINUTES 28 SECONDS WEST, A DISTANCE OF 1,821.46 FEET TO A POINT FOR CORNER;

**THENCE** NORTH 02 DEGREES 12 MINUTES 59 SECONDS WEST, A DISTANCE OF 1,358.18 FEET TO A POINT FOR CORNER;

EXHIBIT "A"

**THENCE** SOUTH 87 DEGREES 37 MINUTES 56 SECONDS WEST, A DISTANCE OF 478.86 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 652,621 SQUARE FEET OR 14.982 ACRES OF LAND, MORE OR LESS.

BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), EAST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.



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STATE OF ILLINOIS PROFESSIONAL  
DESIGN FIRM LICENSE NO. 184.006475

DATE: 07/28/2015

